

1 HOUSE BILL 416

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sharon Clahchischilliage

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10 AN ACT

11 RELATING TO PROCUREMENT; EXEMPTING FROM THE PROCUREMENT CODE  
12 INVESTMENT-RELATED CONTRACTS ENTERED INTO BY THE STATE  
13 TREASURER.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 13-1-98 NMSA 1978 (being Laws 1984,  
17 Chapter 65, Section 71, as amended) is amended to read:

18 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The  
19 provisions of the Procurement Code [~~shall~~] do not apply to:

20 A. procurement of items of tangible personal  
21 property or services by a state agency or a local public body  
22 from a state agency, a local public body or external  
23 procurement unit except as otherwise provided in Sections  
24 13-1-135 through 13-1-137 NMSA 1978;

25 B. procurement of tangible personal property or

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1 services for the governor's mansion and grounds;

2 C. printing and duplicating contracts involving  
3 materials that are required to be filed in connection with  
4 proceedings before administrative agencies or state or federal  
5 courts;

6 D. purchases of publicly provided or publicly  
7 regulated gas, electricity, water, sewer and refuse collection  
8 services;

9 E. purchases of books, periodicals and training  
10 materials in printed or electronic format from the publishers  
11 or copyright holders thereof;

12 F. travel or shipping by common carrier or by  
13 private conveyance or to meals and lodging;

14 G. purchase of livestock at auction rings or to the  
15 procurement of animals to be used for research and  
16 experimentation or exhibit;

17 H. contracts with businesses for public school  
18 transportation services;

19 I. procurement of tangible personal property or  
20 services, as defined by Sections 13-1-87 and 13-1-93  
21 NMSA 1978, by the corrections industries division of the  
22 corrections department pursuant to rules adopted by the  
23 corrections industries commission, which shall be reviewed  
24 by the purchasing division of the general services department  
25 prior to adoption;

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1 J. purchases not exceeding ten thousand dollars  
2 (\$10,000) consisting of magazine subscriptions, web-based or  
3 electronic subscriptions, conference registration fees and  
4 other similar purchases where prepayments are required;

5 K. municipalities having adopted home rule charters  
6 and having enacted their own purchasing ordinances;

7 L. the issuance, sale and delivery of public  
8 securities pursuant to the applicable authorizing statute, with  
9 the exception of bond attorneys and general financial  
10 consultants;

11 M. contracts entered into by a local public body  
12 with a private independent contractor for the operation, or  
13 provision and operation, of a jail pursuant to Sections  
14 33-3-26 and 33-3-27 NMSA 1978;

15 N. contracts for maintenance of grounds and  
16 facilities at highway rest stops and other employment  
17 opportunities, excluding those intended for the direct care and  
18 support of persons with handicaps, entered into by state  
19 agencies with private, nonprofit, independent contractors who  
20 provide services to persons with handicaps;

21 O. contracts and expenditures for services or items  
22 of tangible personal property to be paid or compensated by  
23 money or other property transferred to New Mexico law  
24 enforcement agencies by the United States department of justice  
25 drug enforcement administration;

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1 P. contracts for retirement and other benefits  
2 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

3 Q. contracts with professional entertainers;

4 R. contracts and expenditures for legal  
5 subscription and research services and litigation expenses in  
6 connection with proceedings before administrative agencies or  
7 state or federal courts, including experts, mediators, court  
8 reporters, process servers and witness fees, but not including  
9 attorney contracts;

10 S. contracts for service relating to the design,  
11 engineering, financing, construction and acquisition of public  
12 improvements undertaken in improvement districts pursuant to  
13 Subsection L of Section 3-33-14.1 NMSA 1978 and in county  
14 improvement districts pursuant to Subsection L of Section  
15 4-55A-12.1 NMSA 1978;

16 T. works of art for museums or for display in  
17 public buildings or places;

18 U. contracts entered into by a local public body  
19 with a person, firm, organization, corporation or association  
20 or a state educational institution named in Article 12, Section  
21 11 of the constitution of New Mexico for the operation and  
22 maintenance of a hospital pursuant to Chapter 3, Article 44  
23 NMSA 1978, lease or operation of a county hospital pursuant to  
24 the Hospital Funding Act or operation and maintenance of a  
25 hospital pursuant to the Special Hospital District Act;

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1           V. purchases of advertising in all media, including  
2 radio, television, print and electronic;

3           W. purchases of promotional goods intended for  
4 resale by the tourism department;

5           X. procurement of printing services for materials  
6 produced and intended for resale by the cultural affairs  
7 department;

8           Y. procurement by or through the public education  
9 department from the federal department of education relating to  
10 parent training and information centers designed to increase  
11 parent participation, projects and initiatives designed to  
12 improve outcomes for students with disabilities and other  
13 projects and initiatives relating to the administration of  
14 improvement strategy programs pursuant to the federal  
15 Individuals with Disabilities Education Act; provided that the  
16 exemption applies only to procurement of services not to exceed  
17 two hundred thousand dollars (\$200,000);

18           Z. procurement of services from community  
19 rehabilitation programs or qualified individuals pursuant to  
20 the State Use Act;

21           AA. purchases of products or services for eligible  
22 persons with disabilities pursuant to the federal  
23 Rehabilitation Act of 1973;

24           BB. procurement, by either the department of health  
25 or Grant county or both, of tangible personal property,

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1 services or construction that are exempt from the Procurement  
2 Code pursuant to Section 9-7-6.5 NMSA 1978;

3 CC. contracts for investment advisory services,  
4 investment management services or other investment-related  
5 services entered into by the educational retirement board, the  
6 state investment officer, the state treasurer or the retirement  
7 board created pursuant to the Public Employees Retirement Act;

8 DD. the purchase for resale by the state fair  
9 commission of feed and other items necessary for the upkeep of  
10 livestock;

11 EE. contracts entered into by the crime victims  
12 reparation commission to distribute federal grants to assist  
13 victims of crime, including grants from the federal Victims of  
14 Crime Act of 1984 and the federal Violence Against Women Act of  
15 1994;

16 FF. procurement by or through the children, youth  
17 and families department of pre-kindergarten services purchased  
18 pursuant to the Pre-Kindergarten Act;

19 GG. procurement of services of commissioned  
20 advertising sales representatives for New Mexico magazine; and

21 HH. procurements exempt from the Procurement Code  
22 as otherwise provided by law."